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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,098	09/25/2003	Eugene Dearden	14269	6352

7590

12/12/2005

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EXAMINER

WEBB, TIFFANY

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/671,098

Applicant(s)

DEARDEN ET AL.

Examiner

Tiffany Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 11, 26, 36 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-25, 27-35, 37-41, and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/25/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species I in the reply filed on 10/27/2005 is acknowledged.
2. Claims 11, 26, 36, and 42 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/27/2005.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second slots disposed so that rotation moves the first and second protrusions along the slots, as claimed in claim 9, must be shown in the elected species or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 13, 18, 35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 13 recite the limitation "the proximal end" in line 2. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing to "a proximal end."

Claim 18 recites the limitation "the first protrusion" in line 2. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing to "the protrusion."

Claim 35 recites the limitation "a second locking member" in line 2. This limitation is confusing because in claim 29, there is no mention of a first locking member, so in claim 35 there cannot be "a second locking member."

Claim 37 recites the limitation "the emblem" in line 2. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing to "an emblem."

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10, 12-25, 27-35, 37-41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (US 5,678,851). Regarding claims 1, 10, 12, 17, 19, 21, 22, Saito et al. discloses an airbag module including: an inflator (80) that produces gas in response to an activation signal, a cushion that receives the gas (82), a cover (20) with an opening, an emblem (30) with a panel (32) having a decorative surface and a first protrusion (36) extending from the panel, with the first protrusion with a distal end (50B), a backing member (680 and 684) insertable into engagement with the first protrusion in a direction generally parallel to the panel to restrict withdrawal of the distal end through the opening, the backing member having a first locking member (682 or 686) disposed to restrict the withdrawal of the backing member from the engagement with the first protrusion. Further, Saito et al. discloses having a support member (734) generally parallel to the panel to resist damage to the cover during deployment. Regarding claim 2, Saito et al. discloses the airbag module on the driver's side and attached to a steering wheel (12). Regarding claims 3, 13, and 18, Saito et al. discloses

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having a distal end (50B) that is larger than the proximal end (50) in at least one direction perpendicular to an axis of the first protrusion (36). Regarding claims 4, 5, 14, and 27, Saito et al. discloses the backing member (680 or 684) to have a first slot (658) with a first end and a second end (670 and 672), with the first slot sized to receive the proximal end (50) of the first protrusion to enable insertion of the backing member into engagement with the first protrusion. Further, Saito et al. discloses the first end of the first slot open such that the first end can be inserted into engagement with the proximal end (50) via simple rectilinear translation of the backing member along the direction toward the proximal end (direction opposite L in Figure 25). Regarding claims 6, 7, 15, 20, and 28, Saito et al. discloses having the first locking member having a first tab (686 or 682) adjacent to the first slot (658). Further, Saito et al. discloses the first tab (686 and 682) angled such that the first tab bends toward a position parallel with the first slot in response to motion of the proximal end (50) toward the second end of the first slot. When the proximal end moves toward the second end of the first slot, the first tab (686 or 682) deflects in order for engagement. Regarding claims 8 and 24, Saito et al. discloses the backing member having a second slot (658, see Figures 24 and 25) and a second locking member (682 or 686, see Figures 24 and 25), the second slot having a first end and second end (670 and 672, see Figures 24 and 25), the second slot is sized to receive a proximal end (50) of a second protrusion (36) of the emblem (30) to enable insertion of the backing member into engagement with the second protrusion and the second locking member disposed to restrict withdrawal of the backing member from engagement with the second protrusion. Regarding claims 9 and 25, Saito et al.

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discloses an embodiment that requires the first and second slots disposed such that rotation of the backing member induces the proximal ends of the first and second protrusions to move along the first and second slots toward the second ends thereof (see Figure 24). Regarding claim 16, the backing member (680 or 684) comprises a first slot and a second slot (658, see Figure 24), each of which includes a first end (670) and a second end (672), with the first slot sized to receive the proximal end (50) of the first protrusion (36) to enable insertion of the backing member into engagement with the first protrusion and the second slot (658, see Figure 24) sized to receive a proximal end (50) of a second protrusion, with the second protrusion having a distal end (50B) spaced to pass through a second opening of the cover, the first and second slots disposed such that rotation of the backing member induces the proximal ends of the first and second protrusions to move along the first and second slots toward the second ends of the slots to lock engagement of the backing member with the protrusion (rotation in the R direction in Figure 24). Regarding claim 23, Saito et al. discloses having an arch extending parallel to the panel and coextensive with the panel (see inset arch in Figures 24 and 25). Saito et al. meets the limitations set forth by the apparatus claims, and further meet the limitations of the claims 29-35, 37-41, and 43 to a method for fastening the emblem to a cover for an airbag module. Saito et al. discloses having a fastening device for an emblem on an airbag module and inherently this fastening device can be attached to the airbag using the method claimed by the applicant.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are emblem fastening devices or airbag module attachment methods: Gordon et al. (US 5,406,256), Jones (US 5,445,406), Grout (US 5,775,721), and Ford et al. (US 2003/0047922 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

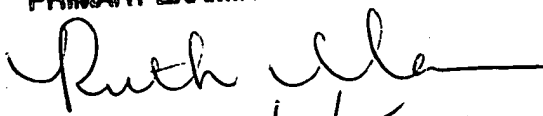
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany Webb  
Examiner  
Art Unit 3616

**RUTH LAN**  
**PRIMARY EXAMINER**

  
12/7/05

tlw